

SUBJECT: Restricting commercial mining in freshwater areas of the Edwards Plateau

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 9 ayes — Ritter, Ashby, D. Bonnen, Callegari, T. King, Larson, Lucio,
Martinez Fischer, D. Miller

0 nays

2 absent — Johnson, Keffer

WITNESSES: For — William Wallace; (*Registered, but did not testify*: Ken Kramer,
Sierra Club - Lone Star Chapter; Brad Rockwell)

Against — Richard Szecsy, Texas Aggregates and Concrete Association

On — (*Registered, but did not testify*: Tom Heger, Robert Sweeney, Texas
Parks and Wildlife Department)

DIGEST: CSHB 2146 would restrict commercial mining in freshwater areas within
the Edwards Plateau by prohibiting the Texas Parks and Wildlife
Commission from granting permits to take more than 1,000 cubic yards of
certain aggregate from a protected freshwater area, unless the aggregate
would not be sold or the area covered by the permit was located east of
Interstate 35 or outside the Edwards Plateau, as defined in the bill.

This bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2013.

SUPPORTERS SAY: CSHB 2146 would restrict commercial mining within the Edwards Plateau
to protect the integrity of navigable rivers and streams in protected
freshwater areas within the Edwards Plateau. It also would protect private
property rights and address the need for the mining of sand, gravel, and
other sedimentary materials for commercial use in this state.

The Edwards Plateau is of significant importance to the state's economic,
social, ecological, and environmental well-being, making the preservation
of the area's rivers and streams in the most pristine condition possible an

essential state priority.

Reasonable restrictions on mining operations is of statewide importance and is necessary to facilitate the prevention of further adverse effects on the overburdened freshwater resources of this state, as well as tourism, land value, and degradation of water quality.

**OPPONENTS
SAY:**

CSHB 2148 would be a solution to a problem that currently does not exist since the Texas Parks and Wildlife Department already has the authority to deny a permit for environmental impacts statewide.

While CSHB 2148 could help preserve the integrity of the Edwards Plateau, it also could have some unintended consequences. For example, companies with permits to extract aggregate may not have a financial incentive to take on jobs in that region that would require dredging silt in recreational waterways or mining aggregate for local roads if they were restricted from selling the aggregate.

**OTHER
OPPONENTS
SAY:**

Given the possibility of unintended consequences and the far-reaching effect this bill could have, even if it was intended to be limited to the Edwards Plateau, any issues with mining in freshwater areas would best be served by deferring this topic to an interim study. The assistance of a diverse but representative group of stakeholders who could put their expertise to work developing a balanced set of improvements could be a benefit to the affected counties in the Edwards Plateau, as well as other protected freshwater areas.